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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,414	02/26/2002	Mark Edward Ball	AUS920010983US1	4655

7590 10/21/2004
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EXAMINER

ZHOU, TING

ART UNIT PAPER NUMBER

2173

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/082,414		BALL ET AL.	
	Examiner		Art Unit	
	Ting Zhou		2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because the following reference characters are not labeled in an appropriate descriptive manner: reference characters "20", "24" and "38" in Figure 1 should be labeled to clearly describe what each element represents.
2. Applicant is required to submit a proposed drawing correction of the above noted deficiencies in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelts U.S. Publication 2001/0030667 and French-St.George et al. U.S. Patent 6,018,711.

Referring to claims 1, 7 and 13, Kelts teaches a computer controlled user interactive display system with a graphical user interface (Kelts: page 1, paragraph 0010), method and program comprising means for storing a plurality of application programs (storing a plurality of application programs such as media files, radio programs, applets, video games, etc. in the application database) (Kelts: column 4, paragraph 0060, page 10, paragraph 0107), a plurality of displayed objects, each representative of one of the application programs (displaying a plurality of symbols, or icons, on an interactive graphical map to represent the available programs or files) (Kelts: page 3, paragraphs 0047-0049 and page 5, paragraph 0067), means enabling a user to interactively select any of the displayed objects to thereby run the application program represented by the object (map items such as icons can be selected to display real-time information regarding the program associated with the selected item) (Kelts: page 3, paragraph 0049 and page 4, paragraphs 0060-0061), and means associated with each of the objects for displaying a visual indicator (associating visual indicators, such as color, with the displayed icons; for example, different colored map items, or icons may indicate different types of programs) (Kelts: page 8, paragraphs 0088-0089). However, Kelts fails to explicitly teach means for tracking the rates of unrequested interruptions in the run of each of the application programs and displaying a visual indicator of the rate of unrequested interruption in the run of the application program represented by the object. French-St. George et al. teach a user interface that associates displayed objects with particular information (for example, associating the change in the rate of animation with the closing rate of a window) (French-St. George et al.: column 3, lines 14-16 and column 7, lines 9-21) similar to that of Kelts. In addition, French-St. George et al. further teach means for tracking the rates of unrequested interruptions in the runs of each of

the application programs, and associating a visual indicator with the rate of unrequested interruptions in the run of the application program (monitoring and displaying, via the change in animation of a displayed object, the closing rate of an application window) (French-St. George et al.: column 7, lines 16-21). It would have been obvious to one of ordinary skill in the art, having the teachings of Kelts and French-St. George et al. before him at the time the invention was made, to modify the graphical user interface for displaying an object representative of an application program of Kelts to include the tracking and display of the closing rate of application windows, as taught by French-St. George et al. One would have been motivated to make such a combination in order to draw users attention to a closing program by highlighting a particular displayed object, allowing them to quickly realize and readily correct the errors; as a result, user feedback and control of the interface is improved.

Referring to claims 2, 8 and 14, French-St. George et al. teach the unrequested interruptions are closings in the runs of the application program (monitoring and displaying, via the change in animation of a displayed object, the closing rate of an application window) (column 7, lines 16-21).

Referring to claims 3, 9 and 15, Kelts teaches the displayed objects are icons (the map elements displayed on the interface are symbols, or icons, representing corresponding programs) (page 3, paragraphs 0048-0049).

Referring to claims 4, 10 and 16, Kelts teaches the visual indicator comprises a set of colors, each color in the set indicating a particular type, or categorization of displayed objects (the map items are displayed in a plurality of different colors, comprising a set of colors, such as red, green, etc.) (Kelts: page 8, paragraphes 0088-0089). French-St. George et al. teach a visual

indicator indicating a closing rate of an application window (monitoring and displaying, via the change in animation of a displayed object, the closing rate of an application window) (French-St. George et al.: column 7, lines 16-21). It would have been obvious to one of ordinary skill in the art, having the teachings of Kelts and French-St. George et al. before him at the time the invention was made, to modify the display of the visual indicator with a set of colors taught by Kelts to include the display of the closing rate of an application window of French-St. George et al., in order to obtain a display wherein the visual indicator comprises a set of colors, each color in the set indicating a rate level of the unrequested closing. One would have been motivated to make such a combination in order to draw users attention to a closing program by highlighting a particular displayed object, allowing them to quickly realize and readily correct errors; as a result, user feedback and control of the interface is improved.

Referring to claims 5, 11 and 17, Kelts teaches the colored visual indicator is in the form of a band around the icon (for example, displaying flashing red arcs surrounding an active map item) (page 8, paragraph 0089).

Referring to claims 6, 12 and 18, Kelts teaches a plurality of the stored application programs represented by the icons are different versions of the same application program (the icons, or symbols displayed on the map can represent different versions of the same application programs, for example, different channels in a television or radio) (page 4, paragraphs 0060-0061 and page 5, paragraphs 0067-0068).

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these

references fully when responding to this action. The documents cited therein teach similar methods of allowing users to interact with displayed objects representing application programs.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328 through the month of October, 2004 and (571) 272-4058 thereafter. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (703) 308-3116 through the month of October, 2004 and (571) 272-4048 thereafter. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-8720 through the month of October, 2004 and (571) 273-4058 thereafter.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1 September 2004


CAO (KEVIN) NGUYEN
PRIMARY EXAMINER